

To: **Overview and Scrutiny Commission**
16 March 2023

Overview and Scrutiny Review of Enforcement Strategy Report

Statutory Scrutiny Officer

1 Purpose of Report

- 1.1 To present the Environment and Communities Overview and Scrutiny Panel's report to the Commission following the Panel's review into enforcement strategy.
- 1.2 To provide the advice of the Statutory Scrutiny Officer (SSO) to inform the Commission's decision whether to endorse the Panel's recommendations to the Executive.

2 Recommendation

- 2.1 **That the Overview and Scrutiny Commission considers whether to endorse the Environment and Communities Overview and Scrutiny Panel's recommendations to the Executive, as set out in the Panel report (attached as Appendix A) and paragraph 5.5 of this report, taking into account the comments of the Statutory Scrutiny Officer.**

3 Reasons for Recommendation

- 3.1 It is the role of the SSO to advise the Council on any issues or concerns that may arise about the operation of the scrutiny function and the SSO may on occasion be required to make a determination about what the law says and how this should be applied to any particular situation. In carrying out this statutory role, there is a need to have a nuanced and meaningful understanding of the scrutiny function in order to accurately make judgments about its operation when disagreements or other issues arise.
- 3.2 The SSO is responsible for ensuring that the scrutiny function is adequately resourced and that service departments and partners are contributing sufficiently to reviews to ensure that they are effective.
- 3.3 The SSO is also responsible for providing advice to the Commission on whether the recommendations within review reports are robust, taking account of resource, legal, climate change, equalities, health and wellbeing and strategic risk implications.

4 Alternative Options

- 4.1 The Commission could decide:
 - to endorse the recommendations to the Executive (and others) as set out in the Panel's report
 - to endorse the recommendations in part
 - to ask for further work to be undertaken before the report is submitted to the Executive recognising that this would delay the Panel's next piece of work

- to note the Panel report and not make any recommendations to the Executive (or others)

5 Supporting Information from the Statutory Scrutiny Officer

- 5.1 The Overview and Scrutiny Commission commissioned the Environment and Communities Overview and Scrutiny Panel to carry out a review into enforcement strategy as part of the overview and scrutiny four-year work programme, which has been developed to track themes within the new Council Plan.
- 5.2 In support of this review a broad range of witnesses gave evidence putting the Panel in a good position to use this intelligence to frame the review and produce insightful recommendations.
- 5.3 The Panel was supported by Esther Prangle, Governance and Scrutiny Officer who supported the Panel to draw up the scope of the review and prepare an evidence pack of relevant information; to facilitate a number of Panel sessions to interview a range of contributors; to draw out findings from the Panel's investigation, and to prepare a review report. This involved in the region of 200 hours of scrutiny officer time and 5 hours 45 minutes of Panel meetings.
- 5.4 In summary it is the Statutory Scrutiny Officer's view that this review activity had adequate resources and that service departments contributed effectively to the review. The majority of review activity took place between September 2022 and January 2023. The comments from the relevant officers and partners set out below do not indicate any concerns with the proposed recommendations.
- 5.5 The recommendations are:
- 1. Executive member for Planning and Transport to contact the relevant minister, with a request for local authorities to have greater power in declining retrospective planning and prevent abuse of the planning system. This should be achieved by July 2023.**
 - 2. Raise awareness of [One.network](#) on the Council website to enable residents to find who is responsible for highways works and identify unauthorised works. This should be achieved by July 2023.**
 - 3. Investigate development of the use of CCTV as an enforcement tool to simplify the enforcement process when issuing fines, e.g., for fly-tipping. This will be an ongoing process; however, an update will be expected in 12 months' time.**
 - 4. Increase enforcement through the development of the Community Safety Accreditation Scheme (CSAS) training.**
 - **By adding value to the existing enforcement toolkit e.g., the use of the power to stop vehicles.**
 - **Look at the effectiveness of the existing partnership arrangement with the Lexicon security operators.**

This will be an ongoing process; however, an update will be expected in 12 months' time.
 - 5. Develop and maintain the policy of enforcement regarding flyposting to ensure consistency is achieved throughout the borough. To be reviewed within 6 months.**
 - 6. Improve communication on the Council website:**
 - **To include greater coverage and reporting of success stories within enforcement including successful prosecutions.**

- **Provide more information around highways works and the fact that emergency work can go ahead with retrospective application for a permit.**

Progress on this should be expected imminently and reviewed within 12 months.

6 Commentary from Environment and Communities Overview and Scrutiny Panel Chair, Councillor John Porter

- 6.1 This review was a direct result from the Integrated Enforcement review which was completed in September 2022. The panel wanted to ensure that the policy and strategy of enforcement were being followed

7 Response from Assistant Director for Contract Services

- 7.1 In Contract Services we have had a number of enforcement options being used successfully since the previous O&S review.
- 7.2 The opportunity to participate in this further deep dive into enforcement strategy has helped the team understand the Council's priorities. It's particularly pleasing to see the recent introduction of the Community Safety Accreditation Scheme in partnership with the Lexicon being identified as an example of good practice.

8 Consultation and Other Considerations

Legal Advice

- 8.1 There are no specific legal implications arising from the recommendations in this report.

Financial Advice

- 8.2 These recommendations will mean additional responsibilities are to be added to existing employees' workloads. All costs (including training) will be contained within existing budgets but if they exceed these they will be highlighted as budget pressures and additional funding will be requested as part of the annual budget cycle. Some costs may well be offset through additional income gained by enforcement activity.

Equalities Impact Assessment

- 8.3 The review scope, activities and recommendations were all considered in the initial equalities screening attached at Appendix B.

Strategic Risk Management Issues

- 8.4 The implications of poor enforcement performance would be reputational damage for the Council as there would be a potential for increased levels of low level and anti-social crime, an inability to protect our highly valued green spaces and appearance of residential communities. At the same time this would undermine the basis of formal application and approvals processes described within the attached report.

Climate Change Implications

- 8.5 The recommendations in Section 2 and 5 above are expected to have no impact on emissions of CO2 because there is no suggested increase in activity or travel that would generate a change.

Health & Wellbeing Considerations

- 8.6 The Council is committed to actively protecting and enhancing the borough's environment to keep it clean and green through enforcement. This supports Bracknell Forest being one of the healthiest places to live. Residents will therefore experience better health, both physical and mental.

Background Papers

None

Contact for further information

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